

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICKY SCOTT,

Petitioner,

v.

JEFFREY WOODS,

Respondent.

CASE NO. 2:15-CV-13095
HONORABLE PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

OPINION AND ORDER DENYING PETITIONER'S MOTION FOR DISCOVERY

On April 18, 2016, this Court summarily dismissed petitioner's habeas application without prejudice on the ground that petitioner failed to exhaust several of his claims with the state courts. The Court also denied petitioner a certificate of appealability or leave to appeal *in forma pauperis*. *Scott v. Woods*, No. 2:15-CV-13095, 2016 WL 1554934 (E.D. Mich. Apr. 18, 2016).

Petitioner has now filed a motion for discovery. For the reasons that follow, the motion for discovery is DENIED.

Petitioner is not entitled to discovery because several of his claims have not yet been exhausted with the state courts. *See Calderon v. United States Dist. Ct.*, 120 F.3d 927, 928 (9th Cir.1997)(until petitioner filed federal habeas corpus petition on exhausted claim, he could not avail himself of discovery); *Calderon v. U.S. Dist. Court for the Northern Dist. of California*, 98 F.3d 1102, 1106 (9th Cir. 1996)(“any right to federal discovery presupposes the presentation of an unexhausted federal claim, because a federal habeas petitioner is required to exhaust available

state remedies as to each of the grounds raised in the petition”).

Accordingly, for the foregoing reasons, **IT IS ORDERED** that petitioner’s motion for discovery [Dkt. # 15] is **DENIED**.

A handwritten signature in blue ink, appearing to read "Paul D. Borman", is written over a horizontal line.

HON. PAUL D. BORMAN
UNITED STATES DISTRICT COURT

DATED: **MAY 17 2016**